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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF DAVID Z. BECHER et al.
SERIAL NO. 09/652,771
FILED AUGUST 31, 2000
FOR ENHANCED METHOD FOR KILLING WEEDS WITH GLYPHOSATE
HERBICIDE

ART UNIT 1616

#12
HND
9.10.02


DECLARATION OF PRIOR INVENTION UNDER 37 C.F.R. § 1.131

We, David Z. Becher, Al S. Wideman and James C. Forbes declare as follows:

1. We are the inventors of the subject matter claimed in the above-entitled United States patent application, Serial Number 09/652,177.
2. We are submitting this Declaration to establish completion of our invention in the U.S. before May 6, 1999, the international publication date of WO 99/21423 (Parker et al).
3. We reduced to practice the invention claimed in this application in the United States before May 6, 1999.
4. Facts in support of this Declaration are attached hereto as Exhibit A. Exhibit A is a true and correct copy of experimental note book page numbers 6471749 and 6471750 (with dates deleted), upon which the table at page 14 and Examples 1 and 2 of the 09/652,771 application is based. Specifically, compositions 49A, 49B, 50A, 50B and 50C of Exhibit A correspond to Compositions A-E, respectively, of the 09/652,771 application. We further declare that TAME 105 is polyoxyethylene (15) tallow amine and Hamposyl C is cocoyl sarcosine, as referenced in Exhibit A. As such,

Exhibit A evidences our reduction to practice of the invention claimed in the application prior to May 6, 1999.

5. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



David Z. Becher

8/21/2002

Date

Al S. Wideman

Date

James C. Forbes,

Date

Exhibit A evidences our reduction to practice of the invention claimed in the application prior to May 6, 1999.

5. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

David Z. Becher


Al S. Wideman

Date

8-21-02
Date

James C. Forbes

Date

Exhibit A evidences our reduction to practice of the invention claimed in the application prior to May 6, 1999.

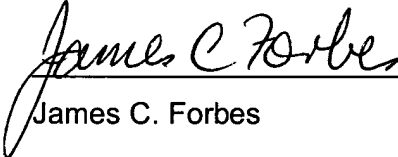
5. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

David Z. Becher

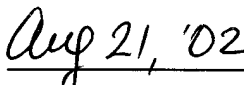
Date

Al S. Wideman

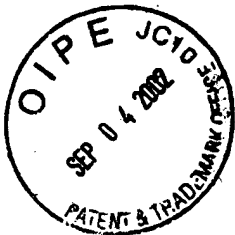
Date



James C. Forbes



Date



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6474749

JECT

OB NO.

Samples for glyphosate biotesting

PREPARED BY (SIGNATURE)

David Becker

Formulations for biological testing of synergy between
TIME-105 and Hampsyl C in potentiating glyphosate

49A

16.90g

6352094A

128.59g

MON 0139 Code 205 GLP-9806-8977-T

0.93g

6352094A

0.7g

MON 0139 Code 205 GLP-9806-8977-T

172.52g

DI WATER

5.78g

Isopropyl amine

were combined in a Gay Jen
and mixed with a magnetic
stirrer to create a clear solution

49B

132.07g

MON 0139

CODE 205

GLP-9806-8977-T

45.72% ac

14.84g

TIME-105

183.55g

DI Water

procedure as above

composition

49A

6352094A

5.49%

Hampsyl C

4.51%

MON 0139

39.63%

MON 0139

39.63%

18.11% ac

Water

53.10%

WATER

53.10%

IPA

1.78%

IPA

2.76%

composition

49B

TIME-105

4.49%

MON 0139

39.97%

18.27% ac

WATER

55.54%

EXHIBIT

A

READ AND UNDERSTOOD BY

David Becker

DATE

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MONSANTO COMPANY

Nº 6471750

SUBJECT

cont FROM p49

JOB NO.

PREPARED BY (SIGNATURE)

DATE

Carl Becker

In 125ml bottles were combined

50A

50B

50C

90.00g
30.07g

~~49A~~ 49A
49B

60.00g
60.04g

30.03g
90.08g

Shake to mix

COMPOSITIONS	50A	50B	50C
NON O139	39.72%	39.80%	39.88%
HANDOSYL C	3.38%	2.25%	1.13%
TAME-05	1.12%	2.25%	3.37%
IPA	2.07%	1.38%	0.69%
WATER	46.5371%	54.32%	54.93%
Glyphosate a.e.	18.16%	18.20%	18.23%

Mettler	Pear	Density (g/cm ³)	g/L glyphosate	% surf
49A	1.0900		197	49
50A	1.0911		198	49
50B	1.0923		199	49
50C	1.0936		199	49
49B	1.0941		200	49

READ AND UNDERSTOOD BY

DATE

Pierre Carroll